

REMARKS

The Office Action of March 16, 2006, has been carefully considered.

Rejections Based on 35 USC § 103

The Examiner has rejected Claims 21-33 under 35 USC § 103(a) as unpatentable over Yang (US 6,553,592) in view of Ohori (US 5,490,327). Addressing this rejection at a general level, Yang discloses using lights on both sides of, and level with, the blades to directly illuminate the blades and a target nail. As a result, the finger nail ledge appears bright. The clipper of the present invention includes a light beneath the blades to illuminate the interior of the finger, and as a result the finger nail ledge appears dark in contrast, opposite Yang. Thus, the present invention uses a light in a different position to produce a result opposite Yang's result. Further, Yang teaches against the present invention because Yang teaches the advantage of directly illuminating the target nail to make the nail appear bright, thereby teaching against the present invention which teaches the advantage of illuminating the interior of the finger to make the nail ledge appear dark. Further, any device including lights to illuminate the blades necessarily also illuminate the nail ledge, and thus defeats the purpose of the present invention.

Claim 21 has been amended to include:

- positioning the light close to a finger tip;
- illuminating an interior of a finger under the finger nail so that the interior of the finger glows, wherein the glowing causes a nail ledge to be distinguishable;
- positioning blades of the fingernail clippers to clip the nail ledge from the finger nail; and
- depressing an operating lever to cut the finger nail.

Please note that the changes to Claim 21 were present in a combination of the prior Claims 23 and 33 and thus do not create a requirement for a new search.

Yang describes the problem of not being able to see nail clipper jaws and a finger nail in a dark room and describes pointing lights directly toward nail clipper jaws and a target nail (column 4 line 11) to directly illuminate the jaws and target nail. The amended Claim 21 describes pointing a light towards a finger tip and illuminating an interior of the finger, which illumination of the interior of the finger causes the nail ledge to be distinguishable. Further, the lights in Yang resides at the same level as the blades specifically to directly illuminate the blades and to directly illuminate the target nail. Such illumination as described in Yang does not result in the nail ledge becoming distinguishable because of the glowing of the finger interior. Because Yang discloses directly illuminating the nail, and Claim 21 describes illuminating the interior of the finger, which further causes the nail ledge to be distinguishable, the Applicant believes that the amended Claim 21 is in condition for allowance and respectfully requests that the Examiner withdraw the rejection of Claim 21 and advance Claim 21 to allowance.

Claim 22 has been amended to include a limitation that the light resides beneath the finger clipper blades as was previously in Claim 23, which amendment therefore does not require an additional search. Yang discloses using lights on arms residing on opposite sides of the handle and vertically aligned with the blades. Such lights are suitable for directly illuminating the blades and target nail as described in Yang (column 6, lines 2,3), which direct illumination results in a bright nail ledge, and is opposite the effect described in Claim 22 where the light is beneath the blades for illuminating the finger interior. Because the amended Claim 22 includes:

"turning on a light residing in a forward portion of a handle beneath fingernail clipper blades"

The Applicant believes that the amended Claim 22 is in condition for allowance and respectfully requests that the Examiner withdraw the rejection of Claim 22 and advance Claim 22 to Allowance.

Claims 24-33 depend from Claim 22. Because the Applicant believes that the amended Claim 22 is in condition for allowance, the Applicant also believes that Claims 24-33 are in condition for allowance and respectfully requests that the Examiner withdraw the rejection of Claims 24-33 and advance Claims 24-33 to allowance.

Claim 23 has been cancelled.

The Applicant further traverses the rejection of Claim 23 (now combined with Claim 22). Claim 23 described:

"turning on a light residing in the forward portion of the handle beneath fingernail clipper blades"

Yang describes lights on the sides of the blades and even with the blades, and does not describe a light beneath the blades. Further because Yang described directly illuminating the blades and directly illuminating the target nail, a light beneath the blades would not be suitable for the method of Yang. Because Yang disclosed different structure used to achieve a different result, the Applicant believes that Claim 23 (and now the amended Claim 22) was in condition for allowance.

The Applicant further traverses the rejection of Claim 29. Claim 29 included:

"positioning the handle close enough to the end of the child's finger to illuminate the interior of the child's finger and to cause a nail ledge to appear dark in color"

Yang describes directly illuminating the nail ledge, which would cause the ledge to appear light in color. Claim 29 describes an opposite effect of illuminating the interior of the finger which causes the ledge to appear dark in color. Because the method of Yang results in a visual effect which is opposite the effect obtained by Claim 29, the Applicant believes that Claim 29 was in condition for allowance.

The Applicant further traverses the rejection of Claim 31. Claim 31 included:

"using at least one guide to assist in position the blades of the fingernail clippers to cut the finger nail."

Yang does not describe using a guide to assist in positioning the blades and therefore the Applicant believes that Claim 31 was in condition for allowance.

The Applicant further traverses the rejection of Claim 32. Claim 32 included:

"using at least one guide to position the blades of the fingernail clippers to cut the finger nail, wherein most of an extending part of the finger nail is observable through the at least one guide."

Yang does not describe using a guide which allows the nail to be observed to assist in positioning the blades and therefore the Applicant believes that Claim 32 was in condition for allowance.

The Applicant further traverses the rejection of Claim 33. Claim 33 included:

"observing the illuminated finger interior to distinguish a nail ledge"

Yang describes directly illuminating a finger nail to cause the nail ledge to appear bright and does not describe illuminating the finger interior to distinguish a nail ledge which allows the nail to be observed to assist in positioning the blades. Therefore, the Applicant believes that Claim 33 was in condition for allowance.

The Applicant further traverses the rejection of Claim 34. Claim 34 included:

"illuminating an interior of a finger under the finger nail to cause the nail ledge to appear dark in contrast to the finger tip."

Yang describes directly illuminating a finger nail and does not describe illuminating the finger interior to cause a nail ledge to appear dark. Therefore, the Applicant believes that Claim 34 was in condition for allowance.

CONCLUSIONS

Claims 8 - 11, 13, 14, and 21, 22 and 24-33 remain pending in the application. Claims 21 and 22 have been amended to place Claims 21 and 22 in condition for allowance. New Claim 34 has been added. Claim 23 has been cancelled. Applicant further respectfully traverses the rejections of Claims 23, 29, and 31-34 which Applicant believes were in condition for allowance. Applicant respectfully requests that the Examiner advance Claims 8 -11, 13, 14, 21, 22, and 24-34 to allowance.

Respectfully submitted,



Kenneth L. Green
Attorney for Applicant
Reg. No. 44,724

Averill & Varn
8244 Painter Avenue
Whittier, CA 90602
(562) 698-8039